

**MOTION BY SUPERVISORS MARK RIDLEY-THOMAS  
AND HAHN**

**MARCH 31, 2020**

**Protecting Retail Grocery, Drug Store and Food Delivery Platform Workers During COVID-19 Crisis**

On March 4, 2020, the Los Angeles County (County) Board of Supervisors (Board) declared a Local Emergency, and the Los Angeles County Health Officer declared a Local Health Emergency, regarding the outbreak of the novel COVID-19 virus, and on March 11, 2020, the World Health Organization officially declared the health crisis a pandemic. In addition, on March 21, 2020, the Los Angeles Health Officer issued a revised Safer at Home Order for Control of COVID-19 requiring all residents to stay at home unless performing certain Essential Activities.

Retail grocery and drug stores remain open, and their employees have become front-line responders to the local health emergency. In addition, many of the most vulnerable County residents, including those 65 years and older or with underlying health conditions, have turned to food delivery platforms as a result of the Safer at Home measures under the County's Order to meet many basic activities, such as obtaining groceries, toiletries and other essential items.

Food and grocery delivery drivers and shoppers are an essential population of workers, not employed directly by grocery stores, but by third-party "Food Delivery Platforms." These businesses, along with grocers and drug stores in traditional retail settings, must provide workers with the necessary supplies, tools and equipment to protect the worker and the public they are serving.

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MOTION

SOLIS \_\_\_\_\_

RIDLEY-THOMAS \_\_\_\_\_

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HAHN \_\_\_\_\_

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**WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:**

1. Direct County Counsel to prepare an urgency, interim ordinance, and/or order or regulation as appropriate, that considers:
  - a. Provisions for Grocery Retail, Drug Retail, and Food Delivery Platform employees to be required to, and permitted adequate time by their respective employers, to wash their hands at least every 30 minutes, or as needed if gloves are provided, and that employers provide, at their expense, all necessary sanitary tools and supplies, including, but not limited to, hand sanitizer, disinfecting cleaning products, and protective gear (gloves, etc.), as well as appropriate training on their proper use. In addition, employers should ensure sanitary bathrooms, stocked with necessary soap, towels, toilet seat covers and toilet paper, are made available to employees.
  - b. Provisions for Grocery Retail and Drug Retail employers to ensure sufficient staffing and all necessary sanitary tools and supplies, at their expense, to properly clean the stores and shopping carts between use, and to provide dedicated handwashing or sanitizing stations at the entrance of all stores for use of employees before entering the stores, and plexiglass barriers at points of sale.
  - c. Provisions for Grocery Retail and Drug Retail employers to provide adequate security to implement any necessary crowd control and social distancing measures.
  - d. Provisions for Grocery Retail and Drug Retail employers to develop protocols to establish operating hours to better serve vulnerable populations and ensure adequate time to re-stock stores.
  - e. Provisions for Grocery Retail, Drug Retail and Food Delivery Platform employers to develop protocols to implement the terms of this interim ordinance, and/or order or regulation as appropriate.

- f. Provisions for Grocery Retail, Drug Retail and Food Delivery Platform employers to provide, at their expense, access to coronavirus testing, as available if an employee or worker does not have a medical provider to perform the testing and based on guidance issued by the Health Officer.
  - g. Potential mechanisms for Grocery Retail, Drug Retail and Food Delivery Platform employers to support employees so that they may address childcare and family needs arising from the Local Health Emergency, without retaliation and to maintain employee hours in good faith.
  - h. Potential mechanisms for Grocery Retail, Drug Retail and Food Delivery Platform employers to support employees who must self-isolate and/or self-quarantine in accordance with any Health Officer Order.
  - i. Provisions for Grocery Retail, Drug Retail and Food Delivery Platform employers and employees to follow all Orders and guidance issued by the Health Officer related to the work environment, employees and COVID-19.
  - j. Prohibiting retaliation for exercising rights granted under this interim ordinance, and/or order or regulation as appropriate, or for complying with any Health Officer Order to self-isolate and/or self-quarantine or any other Health Officer Order.
2. Direct County Counsel to prepare and present an urgency, interim ordinance, and/or order or regulation as appropriate, to regulate Food Delivery Platform Companies that considers:
    - a. Requiring all Food Delivery Platform Companies to register with the County if they intend to do business within the unincorporated areas of Los Angeles County. As part of the registration, such a company will indicate the number of drivers it believes it has that work in the unincorporated areas of Los Angeles County. The Companies will agree to a code of conduct developed by the unincorporated areas of Los Angeles County, including a commitment to comply with the terms of the urgency, interim ordinance, and/or order or regulation.

- b. Prohibiting Food Delivery Platform Companies from penalizing drivers or shoppers (e.g., “deactivating”) during this Local Health Emergency.
  - c. Requiring Food Delivery Platform Companies to offer drivers and shoppers the option of executing a “non-contact delivery” at any time during the Local Emergency that balances the needs of the those who are 65 years and older or disabled.
  - d. Prohibiting retaliation for exercising rights granted under this interim ordinance, and/or an order or regulation as appropriate, or as a result of an employee complying with any Health Officer Order to self-isolate and/or self-quarantine or any order issued by the Health Officer related to the work environment, employees and COVID-19.
3. Instruct the Director of the Department of Public Health to report back to this Board within 5 days on options for delivery drivers to receive education and training on proper food handling to ensure the health and safety of the public.

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(CG/FR)